

NO. 24

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, FEBRUARY 24, 2009
(STATEWIDE SESSION)

Tuesday, February 24, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rep. BRANHAM as follows:

Our thought for today is from Proverbs 17:22: "A merry heart doeth good like a medicine."

Let us pray. Our Father, we are glad to hear this good news. Help us to cultivate a cheerful outlook upon life. We believe that a glad heart helps and heals the body in which it beats and that it also helps those who come into the circle of its influence. Lord, we ask for the good medicine of a cheerful heart which cannot be brewed in an apothecary shop, encased in a capsule and swallowed. So, we pray for a will that refuses to give way to gloom and the faith that all things can be made to work to some good end, as we cooperate with You and trust You, our faithful God.

God of all comfort, we pray for the family of Mrs. Sue Kirsh. May Your grace surround and fill them during these days of sorrow and grief. Hear our prayer, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. SIMRILL moved that when the House adjourns, it adjourn in memory of Sue Kirsh, beloved wife of Representative Kirsh, which was agreed to.

SILENT PRAYER

The House stood for a moment of silent prayer for the Robinson and Pyatt families of Sandy Island, South Carolina.

TUESDAY, FEBRUARY 24, 2009

INVITATIONS

On motion of Rep. CRAWFORD, with unanimous consent, the following were taken up for immediate consideration and accepted:

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Jasper County Chamber of Commerce, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Tuesday, March 3, 2009, from 12:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,
Kendall Malphrus
Executive Director

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Film City, South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 3, 2009, from 6:00 p.m. until 7:30 p.m. at MoMo's Bistro.

Sincerely,
O'Neal Compton

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

TUESDAY, FEBRUARY 24, 2009

Dear Chairman Kirsh:

On behalf of the Foundation for the South Carolina Commission for the Blind, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, March 4, 2009, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,
John Shuler
Chairman

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the National Kidney Foundation, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, March 4, 2009, from 12:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,
Mary Higginbotham
Director of Communications and Legislative Affairs

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Summary Court Judges' Association, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 4, 2009, from 6:00 p.m. until 8:00 p.m. at Seawell's.

TUESDAY, FEBRUARY 24, 2009

Sincerely,
Judge Becky W. Gerrard
SCSCJA Treasurer

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Coalition Against Domestic Violence & Sexual Assault, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, March 5, 2009, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,
Rebecca A. Williams
Communications Coordinator

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Florence County Economic Development Partnership, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 24, 2009, from 6:00 p.m. until 8:00 p.m. at the Columbia Museum of Art.

Sincerely,
Jessica Griggs
Communications and Membership Relations Manager

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee

[HJ]

TUESDAY, FEBRUARY 24, 2009

503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Prayer Fellowship, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, March 25, 2009, from 8:00 a.m. until 10:00 a.m. at the Radisson Hotel and Conference Center.

Sincerely,
C. Tommy Young
South Carolina Prayer Breakfast Committee

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the United Way, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, March 25, 2009, from 12:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,
Timothy M. Ervolina
President

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the SakiTumi Grill & Sushi Bar, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 25, 2009, from 6:00 p.m. until 8:00 p.m. at the SakiTumi Grill & Sushi Bar.

TUESDAY, FEBRUARY 24, 2009

Sincerely,
Wayne Klein
Partner

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Mechanical Contractors Association of South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 25, 2009, from 7:00 p.m. until 9:00 p.m. at the Coop located at 1100 Key Road in Columbia.

Sincerely,
Mona Lisa Flowers
Managing Director

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Broadcasters Association, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, March 26, 2009, from 8:00 a.m. until 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,
Shani White
Executive Director

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee

[HJ]

TUESDAY, FEBRUARY 24, 2009

503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of State Farm Insurance Companies, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Tuesday, March 31, 2009, from 1:00 p.m. until 2:00 p.m. on the State House Grounds.

Sincerely,
Bruce White
Public Affairs/Marketing Department

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the College of Charleston, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 31, 2009, from 6:00 p.m. until 8:00 p.m. at the Clarion Town House Hotel.

Sincerely,
Elizabeth W. Kassebaum
Secretary to the Board of Trustees & Vice President for College Projects

February 25, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the York County Regional Chamber, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 31, 2009, from 7:00 p.m. until 9:00 p.m. at the Columbia Marriott Hotel.

[HJ]

TUESDAY, FEBRUARY 24, 2009

Sincerely,
Heidi West
Membership Director

REGULATIONS WITHDRAWN AND RESUBMITTED

Document No. 3206

Agency: Department of Labor, Licensing and Regulation - Board of
Chiropractic Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Board of Chiropractic Examiners - Application, Renewal and
Continuing Education

Received by Speaker of the House of Representatives April 24, 2008

Referred to Medical, Military, Public and Municipal Affairs
Committee

Legislative Review Expiration March 31, 2009

Revised: March 11, 2009

Revised: March 20, 2009

Document No. 3222

Agency: Public Service Commission

Statutory Authority: 1976 Code Section 58-3-140

Interruption of Service, Computation of Time, and Service Between
Parties of Record

Received by Speaker of the House of Representatives January 13,
2009

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 13, 2009

Revised: May 18, 2009

REPORTS OF STANDING COMMITTEES

Rep. KIRSH, from the Committee on Invitations and Memorial
Resolutions, submitted a favorable report on:

H. 3509 -- Reps. M. A. Pitts, Duncan, Thompson, Bowen, Toole,
Stringer, Hamilton, Pinson, Bedingfield, G. R. Smith, Cooper,
Crawford, Long, Lowe, Nanney, Owens, E. H. Pitts, Rice, Viers,
White, Haley, Clemmons, Horne, Wylie, Huggins, Allison, Parker,
A. D. Young, Millwood, Simrill, Willis and Herbkersman: A
CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF ALL
STATES INCLUDING SOUTH CAROLINA BASED ON THE

TUESDAY, FEBRUARY 24, 2009

**PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO
THE UNITED STATES CONSTITUTION.**

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 428 -- Senators L. Martin, Verdin, Bright, Alexander, Bryant and Rose: A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MAKE PERMANENT THE E-VERIFY PROGRAM.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3591 -- Reps. Brantley, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF THE HONORABLE ERNEST "PRINCE" WHITE, OF JASPER COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

TUESDAY, FEBRUARY 24, 2009

CONCURRENT RESOLUTION

The following was introduced:

H. 3592 -- Reps. Thompson, Agnew, Bowen, Cooper, Gambrell and White: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178/76 IN ANDERSON COUNTY FROM ITS INTERSECTION WITH EAST SHOCKLEY FERRY ROAD IN THE CITY OF ANDERSON TO ITS INTERSECTION WITH MAIN STREET IN THE TOWN OF BELTON "VETERAN'S MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "VETERANS MEMORIAL HIGHWAY".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

CONCURRENT RESOLUTION

The following was introduced:

H. 3593 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF ISAAC JOE, JR., OF COLUMBIA, MARYLAND, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

HOUSE RESOLUTION

The following was introduced:

H. 3594 -- Reps. Haley and E. H. Pitts: A HOUSE RESOLUTION TO CONGRATULATE LEXINGTON INTERMEDIATE SCHOOL, OF LEXINGTON COUNTY SCHOOL DISTRICT ONE, ON THE OCCASION OF ITS EIGHTIETH BIRTHDAY.

The Resolution was adopted.

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CONCURRENT RESOLUTION

The following was introduced:

H. 3595 -- Rep. J. E. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BICYCLE LANES THAT CROSS THE CONGAREE RIVER ALONG THE BLOSSOM STREET BRIDGE IN RICHLAND AND LEXINGTON COUNTIES "JESSE'S WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THESE BICYCLE LANES THAT CONTAIN THE WORDS "JESSE'S WAY".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3596 -- Reps. Ballentine and Gunn: A BILL TO AMEND SECTION 44-36-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT, PURPOSE, AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY IN THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF PUBLIC HEALTH, SO AS TO AUTHORIZE THE REGISTRY TO CONDUCT STUDIES AND RESEARCH ON VARIOUS ASPECTS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS AND TO PROVIDE THAT CONTACT WITH BOTH PATIENTS AND PATIENT'S FAMILIES MUST COMPLY WITH REGULATIONS PROMULGATED BY THE OFFICE OF RESEARCH AND STATISTICS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

S. 432 -- Senators Malloy, Knotts and Campsen: A JOINT RESOLUTION TO EXTEND THE TIME IN WHICH THE SENTENCING REFORM COMMISSION, AS ESTABLISHED BY ACT 407 OF 2008, SHALL SUBMIT ITS REPORT TO THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE FROM JUNE 1, 2009, TO FEBRUARY 1, 2010, AT WHICH TIME THE COMMISSION SHALL BE DISSOLVED.

Referred to Committee on Judiciary

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CONCURRENT RESOLUTION

The following was introduced:

H. 3597 -- Reps. G. R. Smith, Bedingfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE BOB SHUMAKER, OF GREENVILLE COUNTY, AUTHOR OF "THE SCHMOONEY TRILOGIES", A CHILDREN'S BOOK SERIES FEATURING A LOVEABLE MAIN CHARACTER KNOWN AS THE SCHMOONEY WHO LEADS CHILDREN ON REMARKABLE ADVENTURES, TO COMMEND HIM FOR HIS DEDICATION TO IMPROVING READING SKILLS AND LITERACY ACROSS THE PALMETTO STATE, AND TO DECLARE THE SCHMOONEY THE HONORARY MASCOT FOR LITERACY IN SOUTH CAROLINA FOR 2009-2010.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 472 -- Senator McConnell: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON

TUESDAY, FEBRUARY 24, 2009

THE STATE OF THE JUDICIARY AT 11:00 A.M. ON
WEDNESDAY, FEBRUARY 25, 2009.

The Concurrent Resolution was agreed to and ordered returned to the
Senate with concurrence.

ROLL CALL

The roll call of the House of Representatives was taken resulting as
follows:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kennedy
King	Limehouse	Littlejohn
Loftis	Long	Lowe
Mack	McEachern	Merrill
Millwood	Moss	Nanney
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart

TUESDAY, FEBRUARY 24, 2009

Stringer	Thompson	Toole
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	Wylie	A. D. Young
T. R. Young		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, February 24.

Thad Viers	James Lucas
Joseph Neal	Terry Alexander
Todd Rutherford	Harold Mitchell
Patsy Knight	Marion Frye
Walt McLeod	

Total Present--118

LEAVE OF ABSENCE

The SPEAKER granted Rep. KIRSH a leave of absence for today and Wednesday, due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GOVAN a leave of absence for today, due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. KELLY a leave of absence for today and Wednesday, due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MCLEOD a temporary leave of absence.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MILLER a leave of absence today.

February 23, 2009

The Honorable Robert W. Harrell, Jr.
Speaker, South Carolina House of Representatives
P.O. Box 11867
Columbia SC 29211

[HJ]

TUESDAY, FEBRUARY 24, 2009

Dear Mr. Speaker:

Last Wednesday night our community experienced one of the most tragic boating accidents in decades, resulting in the loss of three family members; 47-year-old Lou Ann Robinson, her 19-year-old daughter, Shaquatia Robinson, and their 17-year-old cousin, Rishard L. Pyatt. Shaquatia's 9 month old infant son survived, but remains in critical condition at MUSC.

I am requesting a leave of absence for Tuesday, February 24, 2009, to attend the funeral and am also requesting that the House of Representatives observe a moment of silence to remember the Robinson and Pyatt families of Sandy Island.

Thank you for your consideration of this request, during this time of bereavement and loss in our community.

Sincerely,
Vida Miller

DOCTOR OF THE DAY

Announcement was made that Dr. Chris Yeakel of Columbia was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

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CO-SPONSOR ADDED

Bill Number: H. 3018
Date: ADD:
02/24/09 GUNN

CO-SPONSOR ADDED

Bill Number: H. 3042
Date: ADD:
02/24/09 HUTTO, G. R. SMITH and MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3080
Date: ADD:
02/24/09 SELLERS

CO-SPONSOR ADDED

Bill Number: H. 3123
Date: ADD:
02/24/09 HUTTO and T. R. YOUNG

CO-SPONSOR ADDED

Bill Number: H. 3175
Date: ADD:
02/24/09 BEDINGFIELD

CO-SPONSOR ADDED

Bill Number: H. 3270
Date: ADD:
02/24/09 HODGES, ALLISON and PARKER

CO-SPONSOR ADDED

Bill Number: H. 3305
Date: ADD:
02/24/09 G. M. SMITH and BATTLE

CO-SPONSOR ADDED

Bill Number: H. 3343
Date: ADD:
02/24/09 KING

TUESDAY, FEBRUARY 24, 2009

CO-SPONSOR ADDED

Bill Number: H. 3372
Date: ADD:
02/24/09 A. D. YOUNG, HORNE, H. B. BROWN,
STAVRINAKIS, HERBKERSMAN and
G. M. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3439
Date: ADD:
02/24/09 PARKS

CO-SPONSOR ADDED

Bill Number: H. 3455
Date: ADD:
02/24/09 UMPHLETT

CO-SPONSOR ADDED

Bill Number: H. 3540
Date: ADD:
02/24/09 LOWE

CO-SPONSOR ADDED

Bill Number: H. 3526
Date: ADD:
02/24/09 G. M. SMITH, MILLWOOD and FORRESTER

CO-SPONSOR ADDED

Bill Number: H. 3509
Date: ADD:
02/24/09 HORNE, WYLIE, HUGGINS, ALLISON, PARKER,
A. D. YOUNG, MILLWOOD, SIMRILL, WILLIS
and HERBKERSMAN

CO-SPONSOR ADDED

Bill Number: H. 3527
Date: ADD:
02/24/09 G. M. SMITH

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CO-SPONSOR ADDED

Bill Number: H. 3540
Date: ADD:
02/24/09 STAVRINAKIS, HUTTO and G. M. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3550
Date: ADD:
02/24/09 ALLISON and PARKER

CO-SPONSOR ADDED

Bill Number: H. 3121
Date: ADD:
02/24/09 ALLISON and PARKER

CO-SPONSOR ADDED

Bill Number: H. 3584
Date: ADD:
02/24/09 GUNN

CO-SPONSOR ADDED

Bill Number: H. 3187
Date: ADD:
02/24/09 WILLIS

CO-SPONSOR ADDED

Bill Number: H. 3170
Date: ADD:
02/24/09 KING

CO-SPONSOR ADDED

Bill Number: H. 3063
Date: ADD:
02/24/09 M. A. PITTS

CO-SPONSOR ADDED

Bill Number: H. 3416
Date: ADD:
02/24/09 LIMEHOUSE

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CO-SPONSOR ADDED

Bill Number: H. 3179
Date: ADD:
02/24/09 VICK

CO-SPONSOR ADDED

Bill Number: H. 3584
Date: ADD:
02/24/09 LIMEHOUSE

CO-SPONSOR ADDED

Bill Number: H. 3434
Date: ADD:
02/24/09 GUNN

CO-SPONSOR ADDED

Bill Number: H. 3418
Date: ADD:
02/24/09 LOWE

CO-SPONSOR REMOVED

Bill Number: H. 3573
Date: REMOVE:
02/24/09 SANDIFER

CO-SPONSOR REMOVED

Bill Number: H. 3128
Date: REMOVE:
02/24/09 DUNCAN

JOINT ASSEMBLY

At 12:30 p.m. the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

TUESDAY, FEBRUARY 24, 2009

**ADDRESS BY THE NATIONAL COMMANDER
OF THE AMERICAN LEGION**

The Reading Clerk of the House read the following Concurrent Resolution:

S. 257 -- Senators Knotts, Setzler, Shoopman, Rose, Bryant, Verdin, Grooms, Alexander, Davis, Cleary, Campsen, Fair, Campbell, S. Martin, Bright and Cromer: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DAVE REHBEIN, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 24, 2009.

The Honorable Dave Rehbein and distinguished party were escorted to the rostrum by Senators Mulvaney, Nicholson, Martin, Courson, and Scott and REPRESENTATIVES DANING, FORRESTER, LONG, WILLIAMS and H. B. BROWN.

The Lieutenant Governor recognized our special guests and then introduced Mr. Dave Rehbein, the National Commander of the American Legion who gave the following remarks:

Greetings, Lt. Governor Bauer...I thank you for that wonderful introduction...I do appreciate your kind words. I'm glad to be here and I thank you for the opportunity to speak to you today.

Before I begin, let me take a moment to introduce members of The American Legion family who are with me today. The Commander of the South Carolina American Legion, James H. Holland, from Aiken, South Carolina. The National Executive Committeeman for The American Legion of South Carolina, Billy Bell of Camden, South Carolina. The Adjutant of The American Legion of South Carolina, Jimmy Hawk, of Irmo, South Carolina. The President of the American Legion Auxiliary for South Carolina, Catherine Gail Gibbs of Camden, South Carolina. The Secretary of The American Legion Auxiliary of South Carolina, Erin Parker of Columbia. We also have with us the Detachment Commander of the Sons of The American Legion, Andrew Hornbuckle of Little River.

On behalf of the 2.6 million Legionnaires around the world and the nearly 200 Legion Posts throughout the state of South Carolina, I want

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to thank each of you for what you do for our men and women who serve in our military. And I would like to thank the more than 413,000 veterans in the Palmetto State who have served our country honorably. South Carolina should be proud of having one of the largest per-capita population of veterans in the country.

As much as we owe our veterans, we must never forget their families. We must remember to keep President Lincoln's promise "to care for him who shall have borne the battle and, for his widow, and his orphan." The family of Army Captain Richard Cliff is counting on us. Captain Cliff, a native of Mount Pleasant, was recently home to visit his wife during the birth of their only son, Richard. Richard was born on Sept 4, 2008. Just more than three weeks later, on Sept. 29, Captain Cliff lost his life when his vehicle hit a roadside bomb in Afghanistan.

Our hearts go out to his widow Stacy, who experienced the great joy of child birth and the sorrow of losing a husband in the same month. Programs and legislation will not make this family whole again, but it will show them that we remember their sacrifice. It will also assure those still in harms' way that the United States of America and the State of South Carolina will take care of their families in the event that they don't make it home.

After the 9/11 attacks, the American Legion created the American Legion Legacy Scholarship Fund so children of heroes like Captain Cliff would be able to attend college. Just under three million dollars has already been raised for these scholarships, and we expect much more to be raised this summer when motorcycle enthusiasts nationwide join our American Legion Legacy Run to our national convention in Louisville.

Educating the children of our fallen is a mission that our South Carolina Department Commander Holland takes very seriously. Instead of riding a motorcycle for our scholarship fund, he walked your entire state. Last September 11, he started walking at the North Carolina border on Highway 178, north of Pickens. He walked a total of 332 miles, averaging 18 a day, and completed his Legacy Walk on October 4. The people of this great state were solidly behind him. He told a reporter, "I was amazed at the amount of good will shown toward me as I walked across the state! People were always waving, honking their horns, giving me a thumbs-up, saluting and taking pride in the flag." Due to his efforts, more than \$8,000 was raised for the fund. The people of South Carolina know a good cause when they see one.

But there are other things we can do as well. Not only is the education of the children of our fallen heroes important, but this great

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legislative body has a bill that would exempt students from paying tuition when they return to an institution after their education has been interrupted due to active military service. The American Legion believes that this is an appropriate action to take.

Another bill that was referred last month to the Senate Committee on Education would issue high school diplomas to qualifying veterans who served in the U.S. Armed Forces during a period of war. Survivors would be able to receive their loved ones diploma posthumously. We believe this is also an appropriate action.

South Carolina has a strong record of caring for its veterans. Through tax exemptions, free hunting and fishing licenses and credit toward state retirement, veterans here know that their service is honored and appreciated.

South Carolina was also the cherished home of a giant in American Legion history – Past National Commander E. Roy Stone, a man we called “Mr. Legionnaire.” It is fitting and proper that South Carolinians honor his legacy with the E. Roy Stone, Jr., Veterans Pavilion here in Columbia. VA health care has improved dramatically since Past National Commander Stone returned from World War II, but if E. Roy were still with us, he would constantly be reminding our nation’s lawmakers that America owes a debt to its heroes.

It is a debt that we can never fully repay, but we can certainly close the gap. Too often, today’s young heroes with shining medals are tomorrow’s homeless veterans that society casts aside. SJ-110 helps recognize the service of these veterans by giving them preference at all publicly funded shelters. The American Legion believes this is the right thing to do.

This Legislature has a lot to be proud of. South Carolina’s patriotism and support for the military has made it a favored state for many veterans and military retirees to call home.

I thank you for all that you do for God and country.

Upon conclusion of his address, the National Commander and his escort party retired from the Chamber.

JOINT ASSEMBLY RECEDES

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

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THE HOUSE RESUMES

At 12:47 p.m. the House resumed, the SPEAKER in the Chair.

ORDERED TO THIRD READING

The following Bill and Joint Resolution were taken up, read the second time, and ordered to a third reading:

H. 3575 -- Reps. Hearn, Barfield, Hardwick, Clemmons, Edge and Viers: A BILL TO AMEND ACT 287 OF 1989, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HORRY COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT THE TERM OF OFFICE OF A NEWLY ELECTED MEMBER OF THE HORRY COUNTY BOARD OF EDUCATION MUST COMMENCE UPON THE DATE OF THE FIRST MEETING OF THE BOARD IN JANUARY FOLLOWING THE NOVEMBER ELECTION.

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3589--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Wednesday, February 25, which was adopted:

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT

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THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

H. 3123--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Wednesday, February 25, which was adopted:

H. 3123 -- Reps. J. E. Smith, H. B. Brown, McLeod, Horne, Weeks, Hutto and T. R. Young: A BILL TO AMEND SECTION 40-5-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

H. 3343--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3343 -- Reps. Rutherford, Weeks and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-5-180 SO AS TO PROVIDE THAT THE ADMINISTRATOR OF A JAIL OR DETENTION CENTER SHALL PROVIDE AN ATTORNEY ACCESS TO HIS CLIENTS WHO ARE CONFINED IN THESE FACILITIES DURING THE PERIOD OF EIGHT O'CLOCK A.M. TO SIX O'CLOCK P.M.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9171CM09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Article 1, Chapter 5, Title 24 of the 1976 Code is amended by adding:

“Section 24-5-180. (A) The administrator of a jail or local detention facility shall provide an attorney access to his clients who are

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confined in these facilities at any time the attorney requests such access.

(B) However, the administrator of a jail or local detention facility may reasonably delay the requested access when exigent circumstances exist or when, in the normal course of business, the jail or local detention facility is in lockdown for the purpose of maintaining safe and orderly operation of the jail or local detention facility. In all circumstances, the administrator of the jail or local detention facility shall schedule visitation space and times that accommodate the attorney's schedule, as well as the facility's needs, without unnecessary delay."

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. HARRISON explained the amendment.
The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

H. 3305--OBJECTIONS AND REQUESTS FOR DEBATE

The following Joint Resolution was taken up:

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye, Clemmons, G. M. Smith and Battle: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

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Reps. COBB-HUNTER and R. L. BROWN objected to the Joint Resolution.

Reps. BEDINGFIELD, CATO, BANNISTER, J. E. SMITH, OWENS, NANNEY, G. R. SMITH, KING, SKELTON, HIOTT, CRAWFORD, LOWE, DANING, SELLERS, DUNCAN, JEFFERSON and HART requested debate on the Joint Resolution.

H. 3084--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

Rep. NANNEY proposed the following Amendment No. 1 (COUNCIL\MS\7222MM09):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. A. Article 7, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57-3-605. A state road, highway or interstate highway, any portion of a state road, highway, or interstate highway, or a state bridge, interchange, or intersection may not be named for a person who is living.”

B. This section takes effect upon approval by the Governor and applies with respect to state roads, highways, interstate highways, and any part of them, and state bridges, interchanges, and intersections not yet officially named for a living person as of this section’s effective date. /

Renumber sections to conform.

Amend title to conform.

Rep. NANNEY explained the amendment.

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Reps. SELLERS, COBB-HUNTER, E. H. PITTS, J. E. SMITH, OWENS, OTT, JEFFERSON, HOSEY, CLYBURN, NANNEY, JENNINGS, KING, KNIGHT, STAVRINAKIS, MCEACHERN, ERICKSON and H. B. BROWN requested debate on the Bill.

H. 3080--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3080 -- Reps. J. E. Smith, Williams and Sellers: A BILL TO AMEND SECTION 56-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE TO CERTAIN MINORS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE RESTRICTIONS CONTAINED IN THIS DRIVER'S LICENSE MAY BE MODIFIED OR WAIVED BY THE DEPARTMENT IF THE RESTRICTED LICENSEE PROVES THAT THE RESTRICTIONS INTERFERE WITH TRAVEL BETWEEN THE LICENSEE'S HOME AND RELIGIOUS SPONSORED EVENTS.

Rep. HART proposed the following Amendment No. 1 (COUNCIL\GGS\22254MM09), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Section 56-1-390(1) of the 1976 Code is amended to read:

“(1) Whenever the Department of Motor Vehicles suspends or revokes the license of a person under its lawful authority, the license remains suspended or revoked and must not be reinstated or renewed nor may another license be issued to that person until he also remits to the department a reinstatement fee of one hundred dollars for each suspension on his driving record that has not been reinstated, not to exceed five hundred dollars. The reinstatement fee may be paid to the clerk of court or magistrate at the time of the verdict, guilty plea, or plea of nolo contendere for the offense for which the license is suspended or revoked. If the fee is paid at the time of the verdict, guilty plea, or plea of nolo contendere, the clerk or magistrate shall remit the fee to the department pursuant to the procedures set forth in Section 56-1-365(B). The director or his designee may waive or return the reinstatement fee if it is determined that the suspension or

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revocation is based upon a lack of notice being given to the department or other similar error. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

POINT OF ORDER

Rep. SKELTON raised the Point of Order that Amendment No. 1 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL stated that while the Bill related to the issuance of restricted driver's license to minors, the Amendment dealt with reinstatement fees for the reissuance of suspended driver's licenses. He therefore sustained the Point of Order and ruled the Amendment out of order.

Rep. BRANHAM explained the Bill.

The Bill was read the second time and ordered to third reading.

H. 3094--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3094 -- Reps. Littlejohn, Parker and Agnew: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A VEHICLE THAT IS NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS THE VEHICLE'S EXTERIOR EQUIPMENT AND MARKINGS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PENALTY.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\MS\7179AHB09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 35, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-4975. (A) It is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and

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licensed as an ambulance pursuant to Article 1, Chapter 61, Title 44 unless the vehicle's exterior equipment and markings including, but not limited to, emergency lights, sirens, and decals that distinguish it as an ambulance are removed. A person who violates this subsection, except as provided in subsections (B) and (C), is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) A person who operates a vehicle in violation of subsection (A) with the intent to commit a felony, or in the commission of a felony, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) A person who operates a vehicle in violation of subsection (A) with the intent to commit a terrorist act, or in the commission of a terrorist act, is guilty of a felony and, upon conviction, must be fined ten thousand dollars and imprisoned for a mandatory minimum of ten years, no part of which may be suspended nor probation granted.

(D) The provisions of this section do not apply to:

(1) eleemosynary or not-for-profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions;

(2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business; or

(3) a person operating a vehicle going to a location for the purpose of removing the vehicle's exterior equipment or markings."

SECTION 2. This act takes effect upon approval by the Governor. /
Re-number sections to conform.
Amend title to conform.

Rep. BRANHAM explained the amendment.
The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

H. 3175--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3175 -- Reps. G. R. Smith, G. M. Smith and Bedingfield: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS

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OF SOUTH CAROLINA, 1976, RELATING TO ADMISSION TO A CHARTER SCHOOL, SO AS TO PROVIDE THAT ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ALREADY ENROLLED IN THE CHARTER SCHOOL WHO HAS ATTENDED THE SCHOOL FOR ONE YEAR OR MORE.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11288BH09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 59-40-50(B)(8) of the 1976 Code, as last amended by Act 239 of 2008, is further amended to read:

“(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals; however, a charter school may give enrollment priority to a sibling of a pupil ~~already enrolled or previously~~ who is currently enrolled; or who, within the last three years, attended the school for at least one academic year; children of a charter school employee; and children of the charter committee, if such priority enrollment does not constitute more than twenty percent of the enrollment of the charter school;”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. WHITMIRE explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

H. 3042--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3042 -- Reps. Merrill, Parker, Huggins, H. B. Brown, Anderson, J. E. Smith, Miller, M. A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G. R. Smith and Millwood: A BILL TO AMEND SECTIONS 40-81-20, 40-81-50, 40-81-70, 40-81-230, 40-81-280, 40-81-430, AND 40-81-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL

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RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40-81-445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

Reps. DUNCAN, CRAWFORD, WEEKS, ERICKSON, BEDINGFIELD, LOWE, BALLENTINE and SANDIFER requested debate on the Bill.

H. 3187--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3187 -- Reps. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

Rep. BALES explained the Bill.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 103; Nays 2

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Bedingfield	Bingham	Bowen
Bowers	Brady	Brantley

[HJ]

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G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Duncan
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Huggins	Hutto	Jefferson
Jennings	King	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	Millwood	Mitchell
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	Sellers	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Stavrinakis	Stringer
Thompson	Toole	Viers
Weeks	White	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--103

Those who voted in the negative are:
Merrill Umphlett

Total--2

So, the Bill was read the second time and ordered to third reading.

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RECORD FOR VOTING

My voting card failed to work properly when the House voted upon the passage H. 3187. I would have voted in favor of the Bill's passage.

Rep. Lonnie Hosey

H. 3247--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3247 -- Reps. Huggins and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-445 SO AS TO PROVIDE A LANDLORD OF A MULTI-FAMILY DWELLING MAY EMPLOY CERTAIN EQUIPMENT OR METHODOLOGY TO DETERMINE THE QUANTITY OF WATER PROVIDED TO EACH SINGLE-FAMILY RESIDENCE WITHIN THE DWELLING, AND TO PROVIDE THE LANDLORD MAY CHARGE A TENANT FOR WATER AND WASTEWATER USED BY HIS SINGLE-FAMILY RESIDENCE, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 27-40-210, RELATING TO GENERAL DEFINITIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE A MULTI-FAMILY DWELLING; AND TO AMEND SECTION 27-40-440, RELATING TO A LANDLORD'S OBLIGATIONS, SO AS TO PROVIDE SPECIFIC REQUIREMENTS PERTAINING TO THE PROVISION OF CENTRAL HEAT AND HOT WATER TO A MULTI-FAMILY DWELLING.

Rep. BALES explained the Bill.

Reps. KING, RUTHERFORD, SELLERS, KENNEDY, OTT, HOSEY, CLYBURN, HART, BALES, SANDIFER, CLEMMONS, J. H. NEAL, WILLIAMS, DILLARD, MITCHELL, MACK, ERICKSON and R. L. BROWN requested debate on the Bill.

Further proceedings were interrupted by the expiration of time on the uncontested calendar.

Rep. THOMPSON moved that the House recede until 2:30 p.m.

THE HOUSE RESUMES

At 2:30 p.m. the House resumed, Acting Speaker SOTTILE in the Chair.

[HJ]

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POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER IN CHAIR

H. 3042--REQUEST FOR DEBATE WITHDRAWN

Rep. BEDINGFIELD, with unanimous consent, withdrew his request for debate on H. 3042; however, other requests for debate remained on the Bill.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. LITTLEJOHN.

H. 3067--DEBATE ADJOURNED

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Wednesday, February 25, which was adopted:

H. 3067 -- Reps. Clemmons, Brady, M. A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield: A BILL TO AMEND SECTION 7-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

H. 3245--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3245 -- Reps. Delleney, Nanney, Simrill, G. R. Smith, G. M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J. R. Smith, Clemmons, Bedingfield, E. H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield:

[HJ]

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A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

Reps. J. E. SMITH and COBB-HUNTER proposed the following Amendment No. 1 (LEGWORK\HOUSE\COMBINED_COUNCIL_AMENDMENTS\11252AC09KRL), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 44-41-330(A)(1) and (2) of the 1976 Code, as amended by Act 222 of 2008, are further amended to read:

“(1) The woman must be informed by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by the physician who is to perform the abortion of the probable gestational age of the embryo or fetus at the time the abortion is to be performed. If an ultrasound is performed and the woman chooses to view the ultrasound images, an abortion may not be performed sooner than ~~sixty minutes~~ twenty-four hours following completion of the ultrasound. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the ultrasound image at her request during or after the ultrasound procedure.

(2)(a) The woman must be presented by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician a written form containing the following statement: ‘You have the right to review printed materials prepared by the State of South Carolina which describe fetal development, list agencies which offer alternatives to abortion, and describe medical

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assistance benefits which may be available for prenatal care, childbirth, and neonatal care. You have the right to view your ultrasound image.’ This form must be signed and dated by both the physician who is to perform the procedure and the pregnant woman upon whom the procedure is to be performed.

(b) The woman also must be informed by the physician who is to perform the abortion or by a allied health professional working in conjunction with the physician of the procedure to be involved and by the physician who is to perform the abortion of the probable gestational age of the embryo or fetus, at least twenty-four hours before an abortion is performed. If an ultrasound is performed the probable gestational age must be confirmed by an ultrasound prior to the abortion being performed.”

SECTION 2. Section 44-41-330(C) and (D) of the 1976 Code are amended to read:

“(C) No abortion may be performed sooner than ~~one hour~~ twenty-four hours after the woman receives the written materials, and certifies this fact. Prior to the abortion, the woman must certify receipt of the written materials to the physician or the physician’s agent.

(D) If the clinic or other facility where the abortion is to be performed or induced mails the printed materials described in Section 44-41-340 to the woman upon whom the abortion is to be performed or induced or if the woman obtains the information at the county health department, or from the state website of the South Carolina Department of Health and Environmental Control and if the woman verifies in writing, before the abortion, that the printed materials were received by her more than ~~one hour~~ twenty-four hours before the abortion is scheduled to be performed or induced, that the information described in item (A)(1) has been provided to her, and that she has been informed of her opportunity to review the information referred to in item (A)(2), then the waiting period required pursuant to subsection (C) does not apply.”

SECTION 3. Section 44-41-320(2) of the 1976 Code is amended to read:

“(2) ‘Probable gestational age of the embryo or fetus’ means what, in the judgment of the attending physician based upon the attending physician’s examination ~~and~~ or the woman’s medical history, is with reasonable probability the gestational age of the embryo or fetus at the time the abortion is planned to be performed.”

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SECTION 4. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Rep. RUTHERFORD explained the amendment.
Rep. J. E. SMITH spoke in favor of the amendment.
Rep. HOWARD spoke in favor of the amendment.

SPEAKER PRO TEMPORE IN CHAIR

Rep. HOWARD continued speaking.
Rep. HOWARD spoke in favor of the amendment.
Rep. PARKER spoke against the amendment.
Rep. COBB-HUNTER spoke in favor of the amendment.
Rep. COBB-HUNTER spoke in favor of the amendment.
Rep. DELLENEY spoke against the amendment.
Rep. DELLENEY spoke against the amendment.
Rep. HART spoke in favor of the amendment.
Rep. HART spoke in favor of the amendment.

Rep. DELLENEY moved to table the amendment.

Rep. DELLENEY demanded the yeas and nays which were taken,
resulting as follows:

Yeas 73; Nays 38

Those who voted in the affirmative are:

Allison	Anthony	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
G. A. Brown	Cato	Chalk
Clemmons	Cole	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Hayes
Hearn	Herbkersman	Hiott
Horne	Huggins	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Merrill

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Millwood	Moss	Nanney
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

Total--73

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Bales	Battle
Bowers	Branham	Brantley
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Funderburk
Gunn	Hart	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kennedy
King	Knight	Mack
McEachern	Mitchell	J. M. Neal
Neilson	Parks	Rutherford
Sellers	J. E. Smith	Stavrinakis
Weeks	Williams	

Total--38

So, the amendment was tabled.

Reps. J. E. SMITH and RUTHERFORD proposed the following Amendment No. 2 (COUNCIL\NBD\11251AC09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/SECTION __. That portion preceding item (1) of Section 44-41-330(A) of the 1976 Code, as amended by Act 222 of 2008, is amended to read:

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“Except in the case of a medical emergency or rape and in addition to any other consent required by the laws of this State, no abortion may be performed or induced unless the following conditions have been satisfied:” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. DELLENEY spoke against the amendment.

Rep. DELLENEY moved to table the amendment.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 45

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Cato	Chalk
Clemmons	Cole	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Hayes
Hearn	Herbkersman	Hiott
Horne	Huggins	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Merrill
Millwood	Nanney	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Vick

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Viers	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--69

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Battle	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Funderburk
Gilliard	Gunn	Hart
Hodges	Hosey	Howard
Hutto	Jefferson	Jennings
Kennedy	King	Knight
Mack	McEachern	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Parks
Rutherford	Sellers	J. E. Smith
Stavrinakis	Weeks	Williams

Total--45

So, the amendment was tabled.

Rep. RUTHERFORD proposed the following Amendment No. 4 (COUNCIL\MS\7238AHB09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 44-41-330 of the 1976 Code, as last amended by Act 222 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“() If a woman changes her mind after having complied with the provisions of this section and gives birth, the Department of Social Services must expedite the processing of a claim for benefits made by the woman. Acceptance of a claim for benefits pursuant to this subsection is automatic and payment of said benefits must begin no later than thirty days after the initial claim is made by the woman.” /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. RUTHERFORD explained the amendment.

Rep. DELLENEY moved to table the amendment.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 37

Those who voted in the affirmative are:

Agnew	Allison	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
Cato	Chalk	Clemmons
Cole	Crawford	Daning
Delleney	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Hayes
Hearn	Herbkersman	Hiott
Horne	Huggins	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Merrill
Millwood	Moss	Nanney
Owens	Parker	Pinson
E. H. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

Total--73

Those who voted in the negative are:

Alexander	Allen	Anderson
Anthony	Bales	Battle
Bowers	Branham	Brantley

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G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Gunn	Hart	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kennedy
King	Knight	Mack
McEachern	Mitchell	J. H. Neal
Neilson	Parks	Rutherford
Sellers	J. E. Smith	Weeks
Williams		

Total--37

So, the amendment was tabled.

SPEAKER IN CHAIR

Rep. RUTHERFORD proposed the following Amendment No. 5 (COUNCIL\MS\7236AHB09), which was rejected:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 44-41-330 of the 1976 Code, as last amended by Act 222 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“() An employer may not terminate the employment of a woman who is absent from her place of employment due to the requirements of the twenty-four hour waiting periods as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. DELLENEY moved to table the amendment.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 53; Nays 58

Those who voted in the affirmative are:

Agnew	Allison	Bannister
Barfield	Bedingfield	Bingham

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Bowen	Cato	Chalk
Clemmons	Cole	Crawford
Delleney	Erickson	Forrester
Frye	Funderburk	Gambrell
Gullick	Hamilton	Harrell
Harrison	Hearn	Herbkersman
Hiott	Horne	Limehouse
Loftis	Lowe	Lucas
Millwood	Nanney	Owens
Parker	Pinson	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Toole	Viers	Wylie
A. D. Young	T. R. Young	

Total--53

Those who voted in the negative are:

Alexander	Allen	Anderson
Anthony	Bales	Ballentine
Battle	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
R. L. Brown	Clyburn	Cobb-Hunter
Daning	Dillard	Duncan
Gilliard	Gunn	Haley
Hardwick	Hart	Hayes
Hodges	Hosey	Howard
Huggins	Hutto	Jefferson
Jennings	Kennedy	King
Knight	Littlejohn	Long
Mack	McEachern	Merrill
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	E. H. Pitts	M. A. Pitts
Rutherford	Sellers	J. E. Smith
Stavrinakis	Thompson	Umphlett

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Vick	Weeks	Williams
Willis		

Total--58

So, the House refused to table the amendment.

Rep. DELLENEY spoke against the amendment.

POINT OF ORDER

Rep. HAMILTON raised the Point of Order that Amendment No. 5 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL stated that the Bill dealt with the requirement that a woman be informed of an abortion procedure and that the abortion may not be performed sooner than twenty-four hours after the woman receives certain written materials, which may have an effect on her work attendance. He stated that the Amendment would protect the woman from being terminated from employment due to the twenty-four hour waiting period and did relate to the Bill. He overruled the Point of Order.

Rep. RUTHERFORD spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 54; Nays 60

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Ballentine	Battle	Bowers
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Funderburk
Gilliard	Gunn	Haley
Hardwick	Hart	Harvin
Hayes	Hodges	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kennedy

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King	Knight	Loftis
Long	Mack	McEachern
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Parks	E. H. Pitts	Rutherford
Sellers	J. E. Smith	Stavrinakis
Thompson	Weeks	Williams

Total--54

Those who voted in the negative are:

Allison	Bannister	Barfield
Bedingfield	Bingham	Bowen
Brady	Cato	Chalk
Clemmons	Cole	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gullick
Hamilton	Harrell	Harrison
Hearn	Herbkersman	Hiott
Horne	Limehouse	Littlejohn
Lowe	Lucas	Merrill
Millwood	Nanney	Owens
Parker	Pinson	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stewart
Stringer	Toole	Umphlett
Viers	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--60

So, the amendment was rejected.

Rep. DELLENEY moved cloture on the entire matter.

Rep. DELLENEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 48

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Those who voted in the affirmative are:

Allison	Bannister	Barfield
Bedingfield	Bingham	Bowen
Brady	Cato	Chalk
Clemmons	Cole	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Hearn	Herbkersman
Hiott	Horne	Huggins
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Nanney
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Viers	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--66

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Ballentine	Battle	Bowers
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Funderburk
Gilliard	Gunn	Hart
Harvin	Hayes	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kennedy
King	Knight	Mack
McEachern	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	Rutherford

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Sellers	J. E. Smith	Stavrinakis
Vick	Weeks	Williams

Total--48

So, cloture was ordered.

Rep. HART spoke against the Bill.
Rep. J. E. SMITH spoke against the Bill.
Rep. OWENS spoke in favor of the Bill.
Rep. G. R. SMITH spoke in favor of the Bill.
Rep. COBB-HUNTER spoke against the Bill.
Rep. DUNCAN spoke in favor of the Bill.
Rep. BOWEN spoke in favor of the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 83; Nays 28

Those who voted in the affirmative are:

Agnew	Allison	Anthony
Ballentine	Bannister	Barfield
Bedingfield	Bingham	Bowen
Bowers	Brady	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Cole	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Hayes
Hearn	Herbkersman	Hiott
Horne	Huggins	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	McEachern
McLeod	Merrill	Millwood
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill

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Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Weeks
Whitmire	Willis	Wylie
A. D. Young	T. R. Young	

Total--83

Those who voted in the negative are:

Allen	Battle	Branham
Brantley	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Gilliard
Gunn	Hart	Harvin
Hodges	Hosey	Hutto
Jefferson	Jennings	Kennedy
King	Knight	Mack
Mitchell	Parks	Rutherford
Sellers	J. E. Smith	Stavrinakis
Williams		

Total--28

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber during the debate on H. 3245. If I had been present, I would have voted in favor of the Bill.

Rep. Dan Cooper

H. 3170--DEBATE ADJOURNED

Rep. GUNN moved to adjourn debate upon the following Joint Resolution until Wednesday, February 25, which was adopted:

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R. L. Brown, Whipper and King: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY

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COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

H. 3342--ORDERED TO THIRD READING

The following Bill was taken up:

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith, J. R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Rep. DELLENEY explained the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 105; Nays 5

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Brady	Branham
Brantley	G. A. Brown	H. B. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cole
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Gullick	Haley
Hamilton	Hardwick	Harrell

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Harrison	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Huggins
Hutto	Jefferson	Jennings
King	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Weeks
Whitmire	Williams	Willis
Wylie	A. D. Young	T. R. Young

Total--105

Those who voted in the negative are:

Cobb-Hunter	Dillard	Hart
Kennedy	Rutherford	

Total--5

So, the Bill was read the second time and ordered to third reading.

Rep. ALLISON moved that the House do now adjourn, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3361 -- Rep. H. B. Brown: A CONCURRENT RESOLUTION
TO REQUEST THAT THE DEPARTMENT OF

[HJ]

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TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 34 IN FAIRFIELD COUNTY ALONG INTERSTATE HIGHWAY 77 THE "SENATOR JOHN A. MARTIN INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "SENATOR JOHN A. MARTIN INTERCHANGE".

H. 3557 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, FEBRUARY 24, 2009, SOUTH CAROLINA REALTOR DAY IN ORDER TO RECOGNIZE AND HONOR THE MANY OUTSTANDING REALTORS AND REAL ESTATE PROFESSIONALS IN OUR STATE.

ADJOURNMENT

At 6:09 p.m. the House, in accordance with the motion of Rep. SIMRILL, adjourned in memory of Sue Kirsh, beloved wife of Representative Kirsh, to meet at 10:00 a.m. tomorrow.

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H. 3187	18, 31, 33	H. 3591	9
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H. 3270	16	H. 3594	10
H. 3305	16, 25	H. 3595	11
H. 3342	49	H. 3596	11
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H. 3372	17	S. 257	20
H. 3416	18	S. 428	9
H. 3418	19	S. 432	11
H. 3434	19	S. 472	12